

ORDER PURSUANT TO THE DECLARATION OF DISASTER AND EMERGENCY

BOROUGH OF BEACH HAVEN EO-2020-1

TO ALL RESIDENTS AND PERSONS WITHIN THE MUNICIPALITY OF THE BOROUGH OF BEACH HAVEN IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY AND TO ALL DEPARTMENTS OF THE MUNICIPAL GOVERNMENT OF THE BOROUGH OF BEACH HAVEN

WHEREAS, as a result the Novel Coronavirus Disease 2019 (“COVID-19”) pandemic caused by the SARS-CoV-2 virus and pursuant to the powers vested by Chapter 251 of the Public Laws of 1942, as amended and supplemented, N.J.S.A. App. A: 9-30, *et seq.*; N.J.S.A. 40:48-1, *et seq.*; and all applicable statutory law and regulations, as well as the Chapter 154 of the Borough Code, on March 24, 2020, the Borough of Beach Haven (“Borough”) declared that a local disaster/emergency exists within the Borough by and through the required authorization of the Director of Public Safety and the Emergency Management Coordinator;

WHEREAS, the aforesaid laws, including, but not limited to New Jersey Statutes, App. A:9-40.5, and the Declaration of Emergency, provide that the Emergency Management coordinator is “empowered to issue and enforce such orders as may be necessary to implement and carry out emergency management operations and to protect the health, safety, and resources of the residents of the municipality,” see New Jersey Statutes, App. A:9-40.5, as are necessary to meet the various problems which have or may occur due to such an emergency; and

WHEREAS, based on the foregoing premises and following findings, the Borough’s Emergency Management Coordinator finds that it is necessary to enact this Emergency Order; and

WHEREAS, the Borough’s year-round/off-season estimated population is approximately 1170, which is starkly lower than the peak summer season; and

WHEREAS, there is one (1) local hospital with approximately 120 beds servicing the entire Long Beach Island region; and

WHEREAS, there is one (1) full-service grocery store located in the Borough; and

WHEREAS, notwithstanding the increased needs as a result of COVID-19 emergency, the regional infrastructure and resources are staffed and geared at this time during the offseason to providing sufficient resources only to the region’s year-round residents; and

WHEREAS, during the summer tourist season, even with the influx of employees and resources, the infrastructure and resources are directed to establishing the region as a premier family vacation destination and, as such, are insufficient to address the needs of an increased population during a public health emergency, such as the current COVID-19 pandemic; and

WHEREAS, there is a standing State Declaration of Emergency and Executive Order 107, which orders the public to remain in home isolation, except for certain, limited exceptions; and

WHEREAS, the Borough cannot properly protect the public health, welfare, and safety at this time if there is a significant influx of non-resident visitors; and

WHEREAS, the evidence establishes that other regions in this State and in the greater metropolitan areas of New York, Philadelphia, and Northern New Jersey are experiencing a significant increase in the number of persons infected with and succumbing to COVID-19; and

WHEREAS, the Borough and region have also experienced significant increases in the number of persons infected and succumbing to COVID-19; and

WHEREAS, public health experts have vigorously recommended that in order to seek to contain the pandemic and slow the spread of COVID-19, citizens should remain at home as much as possible and the State has imposed the aforesaid restrictions in order to follow the public health experts' recommendations; and

WHEREAS, the restrictions have been put in place in an effort to protect the public health, welfare, and safety, and in an effort to "flatten the curve," to protect all members of the healthcare profession and all first responders who are on the frontline of the epidemic, as well as the workers continuing to work who are deemed essential and who are providing the public with the necessities of life; and

WHEREAS, in order to comply and assist with the ongoing efforts at home isolation and to "flatten the curve," to ensure that the region's infrastructure and necessary resources during this time are not depleted, to ensure that the local healthcare infrastructure, including the local hospital, is not overwhelmed and can provide proper service to all in the region, to ensure that the region's first responders are not overwhelmed by the pandemic, and to ensure that essential workers can continue to support day-to-day life in the Borough, the Borough has determined it must declare temporary and immediate restrictions on the rental of properties located in the Borough; and

WHEREAS, the restrictions are necessary to protect the public, including the Borough's residents and non-residents alike, as any significant influx of temporary residents and visitors is contrary to Executive Order 107 and may overwhelm the healthcare professionals, healthcare infrastructure, first responders, workers deemed essential to and on the front lines providing the public with essential services, and the necessary day-to-day resources needed for those living in the region; and

WHEREAS, the health, welfare, and safety of non-residents is better served by staying in their primary residence communities and that maintaining their primary residence is more consistent and in compliance with Executive Order 107, as well as the recommendations of the public health experts; and

WHEREAS, this action is not taken lightly, and applies only during this global public health crisis, and is done in consideration of the private property and other rights of the local owners, who the Borough considers to be integral members of this family, this community, and this region, and who have assisted in making the Borough the community and destination it is today and will continue to be going forward.

NOW, THEREFORE, IT IS ON THIS 30TH DAY OF MARCH, 2020, HEREBY DECLARED AND ORDERED, in accordance with the aforesaid laws and recitals, that:

A. The short-term rental of residential properties in the Borough, which is defined as twenty one (21) days or less, is hereby prohibited and no rental agreements or arrangements of any kind, whether or not consideration is exchanged, shall be made by and between owners of residential property and any third parties in the Borough for any occupancy of the properties between the date of this Order and May 1, 2020, or when the State rescinds restrictions in Executive Order 107, whichever occurs first; and

B. No owners shall be permitted to rent to third parties and no third parties shall be permitted to rent and/or occupy residential properties pursuant to any rental arrangement as aforesaid between the date of this Order and May 1, 2020; and

C. Each day of rental and/or occupancy as aforesaid shall be considered a separate violation; and

D. Consistent with Executive Order 107, nothing set forth this Order shall be construed to bar or preclude owners and their immediate family members, caretakers, household members, or romantic partners from occupying the owner's residential properties during the duration of this Order; and

E. This Order shall not apply to non-residential properties (hotels and motels); and

F. The Emergency Management Coordinator and the Borough Police Department shall be charged with the enforcement of the terms of this Order; and

G. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50, the Borough Code, and any other laws of the State of New Jersey as may be applicable; and

H. This Declaration and Order shall remain in effect until further Order of the Borough.

Dated: 3/30/2020

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MAYOR NANCY TAGGART DAVIS


WILLIAM E. TROMM,
EMERGENCY MANAGEMENT COORDINATOR